



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,813	03/17/2004	Natsuki Kasai	KOY-0034	7008

23413 7590 12/06/2005
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

KOSLOW, CAROL M

ART UNIT PAPER NUMBER

1755

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,813	Applicant(s) KASAI ET AL.	
	Examiner C. Melissa Koslow	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1755

This action is in response to applicants' amendment of 31 October 2005. The terminal disclaimer filed on 31 October 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application 10/841,622 has been reviewed and is accepted. The terminal disclaimer has been recorded. Applicant's arguments with respect to the art rejection have been fully considered but they are not persuasive.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,531,073 in view of U.S. patents 4,180,740; 5,360,578 and 4,138,361 and WO 01/87801.

U.S. patent 6,531,073 teaches a barium fluorobromiodide stimuable phosphor having the claimed formula. It is produced by a liquid phase process. There is no teaching in U.S. patent 6,531,073 of the claimed coating and the claimed coating process. U.S. patents 4,180,740; 5,360,578 and 4,138,361 all teach barium fluorohalide stimuable phosphors are degraded by moisture and that they should be coated with a moisture protective coating. U.S. patents 4,180,740 and 4,138,361 also teach fluoropolymer based moisture protective coatings on the fluorohalide phosphor layer, but these coatings are not formed on the individual particles, as claimed. WO 01/87801 teaches forming a moisture protective fluoropolymer coating onto particles from a solution of a fluoropolymer dissolved in a fluorinated solvent. One of ordinary skill in the art would have it obvious to coat the particles of U.S. patent 6,531,073 with a moisture protective fluoropolymer from a solution of a fluoropolymer dissolved in a fluorinated solvent to protect the phosphor from moisture degradation. While the amount of moisture

Art Unit: 1755

protective fluoropolymer coated onto the phosphor is not taught, one of ordinary skill in the art would have found it obvious to use a moisture protective amount, which appears to overlap the claimed amount since the claimed amount is a moisture protective amount. The references suggest the claimed phosphor and process.

In response to applicant's argument that WO 01/87801 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, one would look in the art related to moisture resistance since moisture causes sensitivity deterioration, as taught by U.S. patents 4,180,740; 5,360,578 and 4,138,36 and as admitted by applicants. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., alteration of the phosphor structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims as written read on simply coating the phosphors with an amorphous fluoropolymer. While the preferred material coated in WO 01/87801 is stone, page 12, lines 10-12 teaches it can also be applied to paper, wood, metal, plastic, glass, rubber or composites. Thus one of ordinary skill in the art would realize that the coated substrate of WO 01/87801 can be almost any solid. Given the teachings in the secondary U.S. patents, one of ordinary skill in the art would have found it obvious to alkaline earth fluorohalide phosphors, with there being a reasonable expectation of success that the particles

Art Unit: 1755

can be coated with a fluoropolymer. While the exemplified treated substrates are prisms of 5x5x2 cm in size, there is no indication in the reference or in the art that the coating cannot be used on microns sized particles. A reference is not limited to its examples. Column 4, lines 32-40 of U.S. patent 5,449,313 is cited as of interest since it shows that at the time of invention it was known to coat microns size particles with a fluoropolymer. U.S. patent 5,667,715 teaches that the magnetic particles in magnetorheological fluids are micron sized. Applicants' arguments are not convincing and thus the rejection is maintained.

The claimed composition is not taught or suggested by the cited art of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

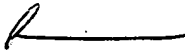
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached at (571) 272-1233.

The fax number for all official communications is (571) 273-8300.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmk
December 2, 2005



C. Melissa Koslow
Primary Examiner
Tech. Center 1700